

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI**

NORMAN KUHL and)	
ANDRA KUHL,)	
)	
Plaintiffs,)	
)	
v.)	Case No. 4:17-cv-00125
)	
TIMOTHY D. DANIELS and)	
TCS LEASING, INC.,)	
)	
Defendants.)	

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1332 and 1441, Defendant Timothy D. Daniels (“Daniels”) and Defendant TCS Leasing, Inc. (“TCS”), by and through their undersigned counsel, together jointly submit the following Notice of Removal of this action from the 7th Judicial Circuit Court of Clay County, Missouri, to the United States District Court for the Western District of Missouri, and in support thereof state as follows:

1. Daniels and TCS are defendants in an action filed and presently pending in the 7th Judicial Circuit Court of Clay County, Missouri, under the caption *Norman Kuhl and Andra Kuhl v. Timothy D. Daniels and TCS Leasing, Inc.*, Case No. 17CY-CV00777 (the “Clay County Action”).
2. On January 26, 2017, Plaintiffs Norman Kuhl and Andra Kuhl (“Plaintiffs”), filed an initial pleading in the Clay County Action.
3. A copy of the Petition for Damages, Summons issued in the Clay County Action, and additional state court filings are attached hereto as Exhibit A.

4. The Clay County Action alleges that Plaintiff Norman Kuhl sustained bodily injuries and damages as a result of a motor vehicle accident that occurred on January 27, 2012, in Kansas City, Clay County, Missouri, when a vehicle driven by Daniels and owned by TCS collided with the truck driven by Norman Kuhl. See Exhibit A (Petition for Damages ¶¶ 5, 6).

5. The Clay County Action alleges that Andra Kuhl is Norman Kuhl's wife, and that she allegedly sustained damage for loss of consortium. See Exhibit A (Petition for Damages ¶ 10).

6. On February 8, 2017, Plaintiffs obtained personal service on Daniels. Plaintiffs are attempting to obtain personal service on the registered agent for TCS. This Notice of Removal is timely because it is submitted within 30 days of the service of a copy of the initial Petition for Damages on Defendant Timothy D. Daniels. 28 U.S.C. § 1446(b).

Diversity of Citizenship

7. Timothy Daniels is an individual residing in the State of Kansas, in Lawrence, Kansas, and he is a citizen of Kansas.

8. TCS was an Oklahoma corporation with its principal place of business in Norfolk, Virginia, and it was dissolved on December 31, 2016. TCS is therefore deemed to be a citizen of Oklahoma and Virginia. 28 U.S.C. § 1332(c)(1).

9. The Plaintiffs have alleged that they are citizens of Missouri. See Exhibit A (Petition for Damages ¶¶ 1, 2).

Amount in controversy exceeds \$75,000

10. The Plaintiffs have not alleged any specific amount of damages in their Petition. However, it is clear from the allegations contained in Plaintiffs' Petition that Plaintiffs seek significant damages and that the amount in controversy exceeds \$75,000.

11. The Plaintiffs are claiming damages as a result of the collision on January 27, 2012, in the following particulars:

- (1) Plaintiff Norman Kuhl claims he sustained painful, severe, lasting and permanent injuries as well as past and future medical expenses; and
- (2) Plaintiff Andra Kuhl claims she has suffered a loss of consortium due to her husband's injuries.

(Exhibit A, Petition for Damages at ¶¶ 8, 11)

Removal is Proper

12. This is a civil action in which this Court has original diversity jurisdiction under the provisions of 28 U.S.C. § 1332 because: (1) there exists complete diversity between Plaintiffs and Daniels and TCS, and (2) the amount in controversy exceeds \$75,000. Moreover, removal is proper because neither Daniels nor TCS is a resident of Missouri. 28 U.S.C. § 1441(b).

13. This Court is the appropriate venue for removal because this action is pending in Clay County, Missouri, and the Plaintiffs allege that their claims arose there. Exhibit A (Petition for Damages at ¶ 5).

14. Based on the allegations in Plaintiffs' Petition, this lawsuit is not one described in 28 U.S.C. § 1445 and may be removed to this Court pursuant to the provisions of 28 U.S.C. § 1441(a).

15. Pursuant to 28 U.S.C. § 1446(d), counsel for Daniels and TCS will serve a copy of this Notice of Removal on counsel for Plaintiffs.

16. Pursuant to 28 U.S.C. § 1446(d), counsel for Daniels and TCS will file a Notice of Filing of Notice of Removal with the Circuit Court of Clay County, Missouri, a copy of which is attached as Exhibit B.

17. Pursuant to Local Rule 3.1, and Rule 7.1 of the Federal Rules of Civil Procedure, counsel for TCS are contemporaneously filing a Disclosure of Corporate Interests, a copy of which is attached as Exhibit C.

WHEREFORE, Defendants Daniels and TCS respectfully submit their Notice of Removal so this case can be removed from the Circuit Court of Clay County, Missouri, to the United States District Court for the Western District of Missouri, and this Court may exercise jurisdiction of this action.

Dated: February 17, 2017

LATHROP & GAGE LLP

s/ R. B. Miller, III

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the above and foregoing was served by e-mail and First Class United States Mail, postage prepaid, on the following counsel of record this 17th day of February, 2017:

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s/ R. B. Miller, III

An Attorney For Defendants